

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARK A. FREGIA,

Plaintiff,

v.

YUCUI CHEN, et al.,

Defendants.

No. 1:20-cv-01024-ADA-EPG (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DENY
PLAINTIFF'S SECOND MOTION FOR AN
ORDER UNDER THE ALL WRITS ACT

(ECF Nos. 80, 81)

Plaintiff Mark A. Fregia is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On February 2, 2023, Plaintiff filed what the Court construes as a second motion for an order under the All Writs Act, 28 U.S.C. § 1651. (ECF No. 80.) On February 6, 2023, the Magistrate Judge issued findings and recommendations recommending dismissal of Plaintiff's motion. (ECF No. 81.) Those findings and recommendations do not address Plaintiff's first motion under the All Writs Act, which is awaiting further briefing. (*Id.* at 4 n.3; *see also* ECF No. 60.) The findings and recommendations permitted the parties fourteen days within which to file objections. (ECF No. 81 at 4.) Plaintiff filed objections on March 2, 2023 and March 10, 2023. (ECF Nos. 85, 88.) Those objections provide no grounds for the Court to question the Magistrate Judge's recommendation. While Plaintiff does repeatedly state that Defendants have

1 confiscated or destroyed his legal property, that conduct is the subject of Plaintiff's first motion
2 under the All Writs Act, and the Magistrate Judge has not addressed it yet. (*See* ECF No. 85 at 1;
3 ECF No. 88 at 3–4.)

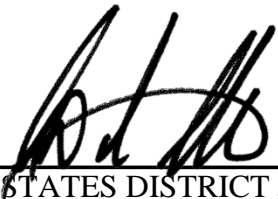
4 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a
5 de novo review of this case. Having carefully reviewed the entire file, including Plaintiff's
6 objections, the Court finds the findings and recommendations to be supported by the record and
7 proper analysis.

8 Accordingly,

- 9 1. The findings and recommendations issued on February 6, 2023, (ECF No. 81), are
10 adopted, in full; and
11 2. Plaintiff's second motion for an order under the All Writs Act, (ECF No. 80), is
12 denied.¹

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15 IT IS SO ORDERED.

16 Dated: March 31, 2023

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UNITED STATES DISTRICT JUDGE

¹ To be clear, the Court is not ruling on Plaintiff's allegations that legal property relevant to this case was confiscated and destroyed. These allegations are the subject of Plaintiff's first motion for an order under the All Writs Act, (ECF Nos. 60, 70), which the Court will address in due course.